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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,625	08/11/2003	Jonathan Hui	03630.000203.1	2096
5514 7590 09/10/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER BANTAMOI, ANTHONY	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 09/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/637,625

Applicant(s)

HUI ET AL.

Examiner

Anthony Bantamoi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/21/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 rejected under 35 U.S.C. 102(b) as being anticipated by Simon S.Y. Shim, Jerry Gao, and Ying Wang (Simon S.Y. Shim, Jerry Gao, and Ying Wang Multimedia presentation components in e-commerce, 8-9 June 2000 IEEE CNF, pages 158-165), hereinafter referenced as Shim, Gao, and Wang.

Regarding claim 1, Shim, Gao, and Wang disclose a Multimedia presentation components in e-commerce which reads on “An XML-based tag for visual cue associated to a visual element of an XML-based multimedia presentation, comprising:

an element attribute that defines the visual appearance of the cue; an element attribute that defines the spatial characteristics of the cue; and an element attribute that defines temporal characteristics of the cue.” In addition Shim, Gao, and Wang teaches the feature provided by SMIL, an XML- based language that allows authors to define his own set of XML- tags in creating visual media objects defining their location, size, and ordering, which is equivalent to “an element attribute that defines the visual appearance of the cue” (sections 2.1 and 2.2), similarly, Shim, Gao, and Wang discloses the feature provided by SMIL, an XML- based language that allows authors to define his own set of XML- tags in creating visual media objects defining their location, which is equivalent to

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“an element attribute that defines the spatial characteristics of the cue” (sections 2.1 and 2.2), finally Shim, Gao, and Wang teaches the feature provided by SMIL, an XML-based language that allows authors to define his own set of XML- tags in creating visual media objects defining their temporal characteristics (begin time, end time and duration) which reads on “an element attribute that defines temporal characteristics of the cue” (sections 2.1 and 2.2).

Regarding Claim 2, Shim, Gao, and Wang discloses everything as claimed above (see claim 1), in addition disclosed temporal characteristics of visual media objects, which reads on “temporal characteristics include start time, end time, and duration” (sections 2.1 and 2.2).

Regarding Claim 3, Shim, Gao, and Wang discloses everything as claimed above (see claim 1), in addition Shim, Gao, and Wang discloses how one can use XML-specific tags to synchronize audio video images and texts components in a multimedia presentation which reads on “visual appearance includes color” (section 2.2).

Regarding Claim 4, Shim, Gao, and Wang discloses everything as claimed above (see claim 1), in addition Shim, Gao, and Wang discloses how SMIL player can utilize a Java Media frame (JMF) to display multimedia objects on the web browser which reads on “visual appearance includes shape” (section 2.2).

Regarding Claim 5, Shim, Gao, and Wang discloses everything as claimed above (see claim 1), in addition Shim, Gao, and Wang disclosed the feature provided by SMIL, an XML- based language that allows authors to define his own set of XML- tags

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in creating visual media objects defining their location, which is equivalent to “spatial characteristics include position” (section 2.2).

Regarding Claim 6, Shim, Gao, and Wang discloses everything as claimed above (see claim 1), in addition Shim, Gao, and Wang disclose SMIL, an XML- based language that allows authors to define his own set of XML- tags in creating visual media objects defining a Z-index which is used to specify the depth of overlaying regions (nested regions) in the element body which reads on “XML-based tag for visual cue is nested within an XML-based element that defines the associated visual element” (section 4.0).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Petri Vuorimaa, Teemu Ropponen, Niklas von Knorring, and Mikko Honkala (Petri Vuorimaa, Teemu Ropponen, Niklas von Knorring, and Mikko Honkala, A java based XML browser for consumer devices, March 2002, Proceedings of the 2002 ACM symposium on Applied computing SAC '02, pages 1094-1099.), herein after referenced as Vuorimaa et al.

Regarding claim 7, Vuorimaa et al discloses a java based XML browser for consumer devices which reads on “In an XML-based browser that displays

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synchronized multimedia presentations to a user, a method for processing an XML-based tag for a visual cue associated with a multimedia element comprising: storing information from the tag concerning the multimedia element to which the visual cue is associated, together with the information from the tag concerning shape and spatial and temporal characteristics of the cue; and in synchronization with display of the shape specified, and the spatial and temporal relationships specified by the spatial and temporal characteristics.” In addition Vuorimaa et al teaches X-smiles and XML-based browser that processes different XML-based languages by first storing in a data structure which can be accessed via the document object model (DOM) interface which is equivalent to “storing information from the tag concerning the multimedia element to which the visual cue is associated, together with the information from the tag concerning shape and spatial and temporal characteristics of the cue; and in synchronization with display of the shape specified, and the spatial and temporal relationships specified by the spatial and temporal characteristics.” (Page 1095, X-SMILES ARCHITECTURE), and is exhibited in figure 1.

Regarding claim 8, Vuorimaa et al discloses everything as above (see claim 7), in addition teaches using SMIL example of a tennis service visual media ob which is composed of text, images, graphics, animations and sound synchronized together into a multi media presentation which reads on “temporal characteristics include begin time, end time, and duration” (Page 1098, under Results) and is exhibited in figure 8.

Regarding claim 9, Vuorimaa et al discloses everything as above (see claim 7), in addition teaches using SMIL to create a tennis service browser application which is

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composed of text, images, graphics, animations and sound synchronized together into a multi media presentation which reads on “ visual appearance includes color” (Page 1098, Results) and is exhibited in figure 8.

Regarding claim 10, Vuorimaa et al discloses everything as above (see claim 7), in addition teaches using SMIL to create a tennis service browser application which is composed of text, images, graphics, animations and sound synchronized together into a multi media presentation which reads on “ visual appearance includes shape” (Page 1098, under subheading Results) and is exhibited in figure 8.

Regarding claim 11, Vuorimaa et al discloses everything as above (see claim 7), in addition teaches using SMIL to create a tennis service browser application which is composed of text, images, graphics, animations and sound synchronized together into a multi media presentation which reads on “ spatial characteristics includes position” (Page 1098, Results) and is exhibited in figure 8.

Regarding claim 12, Vuorimaa et al discloses everything as above (see claim 7), in addition teaches using SMIL to create a tennis service browser application which is composed of text, images, graphics, animations and sound synchronized together into a multi media presentation which reads on “ visual appearance includes shape” (Page 1098, Results) and is exhibited in figure 8.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Bantamoi whose telephone number is 571 270 3581. The examiner can normally be reached on MON.-FRI. 7:30-5:00 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571 272 7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Anthony Bantamoi
Examiner
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JEFFEREY F. HAROLD
SUPERVISORY PATENT EXAMINER

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